

May 5, 2005

(b) (6)

Oakland, CA 94607-1018

Subject: Notice of Unauthorized Use & Occupancy Fee

Your vessel "Fletcher J.", also known as "Ked", has been anchored permanently on state-owned aquatic lands in Port Washington Narrows in Kitsap County, Washington for several years.

In 2001 Courtney Wasson began working with you and Joan Jordan to have the vessel moved. In a letter dated June 4, 2002 she notified you of your illegal occupancy of state land. Due to your circumstances at the time a decision was made to give you more time to find a better home for the vessel. Nearly three years passed and the vessel is still there.

In a letter dated April 1, 2005 I notified you that your vessel was to be removed by May 1, 2005. When we spoke on the phone on April 12, 13, and 14 you indicated that you want to tow it to San Francisco and could not move it by that date but that you may be able to get it moved in June or July. I offered to waive the U&O fees through June 30, 2005 if you could provide proof that you have a contract and concrete plans to move the vessel by that date. I have not received anything from you at this point.

This letter is to inform you that the Unauthorized Use and Occupancy (U&O) fee begins accruing today May 5, 2005. The U&O fee per WAC 332-30-127 is charged at a rate sixty percent higher than fair market value, which equals eighty-one dollars and four cents (\$84.04) per day. Payment of the Use & Occupancy fee is due by June 10, 2005 and the tenth of every month thereafter until the vessel is removed. The fee conveys no rights in advance.

If you send me proof of a contract to either move or moor the vessel elsewhere and concrete plans to have the vessel moved by June 30, 2005, I will suspend the collection of U&O fees from the date on which I receive such proof until June 30, 2005. However, if the vessel is not actually removed by June 30, 2005 DNR reserves the right to collect U&O fees from May 5, 2005 onward as if no proof of your plans had been received.

I encourage you to find local moorage for the vessel until such time as you can verify the seaworthiness of the vessel prior to towing it to San Francisco. It has been grounding out at every low tide for several years and I am concerned that this may have affected its hull integrity and therefore its ability to make such a long journey.

Though DNR is choosing to pursue U&O at this time, we may also choose to pursue custody of your vessel through RCW 79.100 or trespass through RCW 79.01.760 or other similar actions in the future.

If you have any questions regarding this matter or if I can be of assistance, please call me at (360) 825-1631 x2020 or on my cell at (b) (6).

BREMERTON-001258

Sincerely,

Melissa Montgomery, Aquatic Land Manager
Shoreline District, Aquatic Region